

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:

CASE NO. 10-01096 ESL

JOSÉ MIGUEL DE JESÚS MIRANDA

CHAPTER 13

DEBTOR(S)

NOTICE OF FILING OF PRE-CONFIRMATION
AMENDED CHAPTER 13 PLAN

Notice is hereby given to all creditors and parties in interest that on this same date and pursuant to Fed. R. Bankr. P. 3015(b), 3015-2(c)(1) the Chapter 13 amended plan dated **April 12, 2010**, a copy of which is attached hereto, has been filed with the Court.

Further notice is given that within seven (7) days prior to the scheduled hearing on confirmation and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the

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opinion of the court, the interest of justice requires otherwise. If you file a timely response, the court may - in its discretion - schedule a hearing. L.B.R. 3015-2 (f)(1)(C).

In San Juan, Puerto Rico, this 12th day of April 2010.

HERMAN F. VALENTÍN & ASSOCIATES

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By: 

Herman F. Valentín Figueroa
USDC-PR # 201904

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: JOSE MIGUEL DE JESUS MIRANDA

BK. CASE # 10-01096 ESL

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PAYMENT PLAN

NOTICE: • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan. • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:
☒ directly ☐ by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
- ☐ 3. The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED: _____
☒ PRE ☐ POST-CONFIRMATION

☒ AMENDED PLAN DATED: April 12, 2010
 FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED CREDITOR

I. PAYMENT PLAN SCHEDULE

\$ 1,010	x	1	= \$	1,010
\$ 730	x	37	= \$	27,010
\$ 1,076	x	8	= \$	8,608
\$ 1,779	x	14	= \$	24,906
\$	x		= \$	0
TOTAL = 60			\$	61,534

Additional Payments:
 \$ _____ to be paid as a LUMP SUM
 within _____ with proceeds to come from

☐ Sale of property identified as follows:

☐ Other: _____

Periodic Payments to be made other than and in addition to the above.
 \$ _____ x _____ = \$ _____ 0

To be made on: _____

PROPOSED PLAN BASE: \$ 61,534

II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

a. Rule 2016(b) Statement: \$ 3,000
 b. Fees Paid (Pre-Petition): (\$ 500)
 c. R 2016 Outstanding balance: \$ 2,500

d. Post Petition Additional Fees: \$ _____

e. Total Compensation: \$ 3,000

Signed: 
 DEBTOR JOSE MIGUEL DE JESUS MIRANDA
 JOINT DEBTOR

III. DISBURSEMENT SCHEDULE SEQUENCE

A. SECURED CLAIMS: ☐ Debtor represents that there are no secured claims.
☒ Secured creditors will retain their liens and shall be paid as follows:

☐ ADEQUATE PROTECTION Payments: Cr. _____ \$ _____

☐ Trustee will pay secured ARREARS:

Cr. Wells Fargo	Cr. _____	Cr. _____
Acct. See below	Acct. _____	Acct. _____
\$ _____	\$ _____	\$ _____

☐ Trustee will pay REGULAR MONTHLY PAYMENTS:
 (please refer to the above related notice, for important information about this provision)

Cr. _____	Cr. _____	Cr. _____
Acct. _____	Acct. _____	Acct. _____
Monthly Pymt. \$ _____	Monthly Pymt. \$ _____	Monthly Pymt. \$ _____

☐ Trustee will pay IN FULL Secured Claims:

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☐ Trustee will pay VALUE OF COLLATERAL:

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:

Cr. _____	Ins. Co. _____	Premium: \$ _____
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(Please indicate in "Other Provisions" the insurance coverage period)

☒ Debtor SURRENDERS COLLATERAL TO Lien Holder: Toyota Financial Services.

☒ Debtor will maintain REGULAR PAYMENTS DIRECTLY to:
 See below.

B. PRIORITIES. The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

☐ ASUME and Juan M. de Jesus Hernandez.

C. UNSECURED PREFERRED: Plan ☐ Classifies ☒ Does not Classify Claims.

☐ Class A: ☐ Co-debtor Claims: ☐ Pay 100% / ☐ "Pay Ahead": _____

☐ Class B: ☐ Other Class: _____

<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____
\$ _____	\$ _____	\$ _____

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$ _____)

☐ Will be paid 100% plus _____ % Legal Interest. ☐ Will be paid Pro-Rata from any remaining funds

OTHER PROVISIONS:

See attachment.

ATTORNEY FOR DEBTOR: Herman F. Valentin & Associates

Phone: (787) 200-5426

**Attachment to Amended Chapter 13 Plan
Dated April 12, 2010**

III. A (2)

Debtor represents no arrears to Wells Fargo Home Mortgage; however, if any fees or charges are claimed by this creditor they are to be paid by the Trustee. Debtor and spouse are under a pre-nuptial agreement calling for complete separation of assets. Current monthly payments are being made directly to creditor by Debtor's spouse.

III. A (4)

The collateral to be surrendered to Toyota Financial Services is currently under Debtor's brother's custody in Florida.

III. B

Debtor will make direct post-petition domestic support obligation payments to ASUME and Juan M. de Jesus Hernández who is of legal age.

Other Provisions:

Lease agreement over current residence is assumed. Payments are reduced in month number 2 of the plan due to increase in Domestic Support Obligation payments. Payments increase upon younger child's coming of legal age in month 39 and further increase in month 47 when oldest son reaches the age of 25.

Date: 4/12/2010


José Miguel de Jesús Miranda